

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Abraham Guillermo Romero Diaz and Rosa Teresa Canastuj

(b) County of Residence of First Listed Plaintiff Richmond  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pechman Law Group PLLC; 488 Madison Avenue 17th  
Floor, New York, NY 10022; (212) 583-9500

## DEFENDANTS

Deluca's Italian Restaurant, Inc. d/b/a Deluca's Italian Restaurant, Masseria  
Deluca's, Inc. d/b/a Deluca's Trattoria, and Robert DelucaCounty of Residence of First Listed Defendant Richmond  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

Does this action include a motion for temporary restraining order or order  
to show cause? Yes  No 

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 410 Medicare Act
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 430 Recovery of Overpayment of Veteran's Benefits
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 450 Recovery of Overpayment of Student Loans (Excludes Veterans)
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 460 Recovery of Overpayment of Torts to Land
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 470 Recovery of Overpayment of Tort Product Liability
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 390 Other Fraud	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	<input type="checkbox"/> 480 Recovery of Overpayment of Franchise
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 391 Employee Retirement Income Security Act	<input type="checkbox"/> 485 Telephone Consumer Protection Act	<input type="checkbox"/> 485 Recovery of Overpayment of All Other Real Property
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 490 Recovery of Overpayment of Real Property
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	<input type="checkbox"/> 850 Recovery of Overpayment of Civil Rights
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 730 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 792 Other Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 800 Other Civil Rights	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 805 Other Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 810 Civil Rights	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 815 Prison Condition		
		<input type="checkbox"/> 820 Mandamus & Other Civil Rights		
		<input type="checkbox"/> 830 Civil Rights		
		<input type="checkbox"/> 835 Prison Condition		
		<input type="checkbox"/> 840 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 845 Other Immigration Actions		
		<input type="checkbox"/> 850 Civil Rights		
		<input type="checkbox"/> 855 Prison Condition		
		<input type="checkbox"/> 860 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 865 Other Immigration Actions		
		<input type="checkbox"/> 870 Civil Rights		
		<input type="checkbox"/> 875 Prison Condition		
		<input type="checkbox"/> 880 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 885 Other Immigration Actions		
		<input type="checkbox"/> 890 Civil Rights		
		<input type="checkbox"/> 895 Prison Condition		
		<input type="checkbox"/> 900 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 905 Other Immigration Actions		
		<input type="checkbox"/> 910 Civil Rights		
		<input type="checkbox"/> 915 Prison Condition		
		<input type="checkbox"/> 920 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 925 Other Immigration Actions		
		<input type="checkbox"/> 930 Civil Rights		
		<input type="checkbox"/> 935 Prison Condition		
		<input type="checkbox"/> 940 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 945 Other Immigration Actions		
		<input type="checkbox"/> 950 Civil Rights		
		<input type="checkbox"/> 955 Prison Condition		
		<input type="checkbox"/> 960 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 965 Other Immigration Actions		
		<input type="checkbox"/> 970 Civil Rights		
		<input type="checkbox"/> 975 Prison Condition		
		<input type="checkbox"/> 980 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 985 Other Immigration Actions		
		<input type="checkbox"/> 990 Civil Rights		
		<input type="checkbox"/> 995 Prison Condition		
		<input type="checkbox"/> 1000 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1005 Other Immigration Actions		
		<input type="checkbox"/> 1010 Civil Rights		
		<input type="checkbox"/> 1015 Prison Condition		
		<input type="checkbox"/> 1020 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1025 Other Immigration Actions		
		<input type="checkbox"/> 1030 Civil Rights		
		<input type="checkbox"/> 1035 Prison Condition		
		<input type="checkbox"/> 1040 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1045 Other Immigration Actions		
		<input type="checkbox"/> 1050 Civil Rights		
		<input type="checkbox"/> 1055 Prison Condition		
		<input type="checkbox"/> 1060 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1065 Other Immigration Actions		
		<input type="checkbox"/> 1070 Civil Rights		
		<input type="checkbox"/> 1075 Prison Condition		
		<input type="checkbox"/> 1080 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1085 Other Immigration Actions		
		<input type="checkbox"/> 1090 Civil Rights		
		<input type="checkbox"/> 1095 Prison Condition		
		<input type="checkbox"/> 1100 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1105 Other Immigration Actions		
		<input type="checkbox"/> 1110 Civil Rights		
		<input type="checkbox"/> 1115 Prison Condition		
		<input type="checkbox"/> 1120 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1125 Other Immigration Actions		
		<input type="checkbox"/> 1130 Civil Rights		
		<input type="checkbox"/> 1135 Prison Condition		
		<input type="checkbox"/> 1140 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1145 Other Immigration Actions		
		<input type="checkbox"/> 1150 Civil Rights		
		<input type="checkbox"/> 1155 Prison Condition		
		<input type="checkbox"/> 1160 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1165 Other Immigration Actions		
		<input type="checkbox"/> 1170 Civil Rights		
		<input type="checkbox"/> 1175 Prison Condition		
		<input type="checkbox"/> 1180 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1185 Other Immigration Actions		
		<input type="checkbox"/> 1190 Civil Rights		
		<input type="checkbox"/> 1195 Prison Condition		
		<input type="checkbox"/> 1200 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1205 Other Immigration Actions		
		<input type="checkbox"/> 1210 Civil Rights		
		<input type="checkbox"/> 1215 Prison Condition		
		<input type="checkbox"/> 1220 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1225 Other Immigration Actions		
		<input type="checkbox"/> 1230 Civil Rights		
		<input type="checkbox"/> 1235 Prison Condition		
		<input type="checkbox"/> 1240 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1245 Other Immigration Actions		
		<input type="checkbox"/> 1250 Civil Rights		
		<input type="checkbox"/> 1255 Prison Condition		
		<input type="checkbox"/> 1260 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1265 Other Immigration Actions		
		<input type="checkbox"/> 1270 Civil Rights		
		<input type="checkbox"/> 1275 Prison Condition		
		<input type="checkbox"/> 1280 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1285 Other Immigration Actions		
		<input type="checkbox"/> 1290 Civil Rights		
		<input type="checkbox"/> 1295 Prison Condition		
		<input type="checkbox"/> 1300 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1305 Other Immigration Actions		
		<input type="checkbox"/> 1310 Civil Rights		
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		<input type="checkbox"/> 1320 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1325 Other Immigration Actions		
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		<input type="checkbox"/> 1335 Prison Condition		
		<input type="checkbox"/> 1340 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1345 Other Immigration Actions		
		<input type="checkbox"/> 1350 Civil Rights		
		<input type="checkbox"/> 1355 Prison Condition		
		<input type="checkbox"/> 1360 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1365 Other Immigration Actions		
		<input type="checkbox"/> 1370 Civil Rights		
		<input type="checkbox"/> 1375 Prison Condition		
		<input type="checkbox"/> 1380 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1385 Other Immigration Actions		
		<input type="checkbox"/> 1390 Civil Rights		
		<input type="checkbox"/> 1395 Prison Condition		
		<input type="checkbox"/> 1400 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1405 Other Immigration Actions		
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		<input type="checkbox"/> 1415 Prison Condition		
		<input type="checkbox"/> 1420 Civil Detainee - Conditions of Confinement		
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		<input type="checkbox"/> 1505 Other Immigration Actions		
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		<input type="checkbox"/> 1595 Prison Condition		
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		<input type="checkbox"/> 1645 Other Immigration Actions		
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		<input type="checkbox"/> 1655 Prison Condition		
		<input type="checkbox"/> 1660 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1665 Other Immigration Actions		
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		<input type="checkbox"/> 1675 Prison Condition		
		<input type="checkbox"/> 1680 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1685 Other Immigration Actions		
		<input type="checkbox"/> 1690 Civil Rights		
		<input type="checkbox"/> 1695 Prison Condition		
		<input type="checkbox"/> 1700 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1705 Other Immigration Actions		
		<input type="checkbox"/> 1710 Civil Rights		
		<input type="checkbox"/> 1715 Prison Condition		
		<input type="checkbox"/> 1720 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 1725 Other Immigration Actions		
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		<input type="checkbox"/> 1785 Other Immigration Actions		
		<input type="checkbox"/> 1790 Civil Rights		
		<input type="checkbox"/> 1795 Prison Condition		

## CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Louis Pechman, counsel for Plaintiffs, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

monetary damages sought are in excess of \$150,000, exclusive of interest and costs,

the complaint seeks injunctive relief,

the matter is otherwise ineligible for the following reason

## DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

## RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

## **NY-E DIVISION OF BUSINESS RULE 1(c)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County?  Yes  No
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County?  Yes  No
  - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District?  Yes  No
  - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County?  Yes  No

*(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).*

## BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes  No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain)  No

I certify the accuracy of all information provided above.

Signature: 